

REMARKS

The only issues outstanding in the Office Action mailed July 28, 2004, are the Requirement for Restriction and the rejection of elected claims 34, 38 and 42 - 52 under 35 U.S.C §102(e). Reconsideration of these issues, in view of the following discussion, is respectfully requested.

Requirement for Restriction

The traversal of the Requirement for Restriction is maintained. It is argued, at page 2 of the current Office Action, that the inventions are not related as combination/subcombination, but rather as process of making and product made. This is incorrect, inasmuch as the claims are *also* related as combination/subcombination, since as the combination (substrate) requires all the elements of the subcombination, the process of making. In such a situation where the claims are capable of being related in two ways, all applicable criteria for distinctness must be demonstrated to support the Restriction Requirement, as discussed at page 8 of the prior response. See M.P.E.P. §803.01. The distinctness necessary to support restriction between combination/subcombination claims cannot be shown, as explained previously, and thus the Restriction Requirement should be withdrawn. While Applicants have explained why the claims are related as combination/subcombination, the current Office Action gives no reason to support the allegation that they are solely related as process of making and product made, and not also as combination/subcombination. It is submitted that, in the absence of such reasons, insufficient basis to support the Restriction Requirement has been given. Withdrawal thereof is again respectfully requested.

Rejection Under 35 U.S.C §102

Claims 34, 38 and 42 - 52 are rejected under 35 U.S.C §102(e) over Dombrowski et al. Reconsideration of this rejection is respectfully requested.

At the outset, it is noted that claims to the coating composition were established to be patentable over Dombrowski in the parent application. It is thus evident that an optical substrate coated with the same coating as the parent, as claimed in the presently elected claims, also

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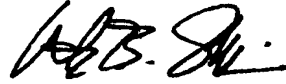
necessarily is patentable thereover, on the same basis. Without more, it is thus submitted that the rejection should be withdrawn.

In any event, the elected claims are directed to an optical substrate coated with a water repellant coating, prepared by coating said optical substrate with a water-repellent coating prepared by mixing an electrically conductive or semi-conductive support material comprising carbon, a conductive metal oxide, carbide, nitride or silicide; a metal powder and a non-conductive material; or a mixture thereof with a binder and subjecting the mixture to compression molding to form a compression molding, sintering the compression molding to form a porous molding, impregnating the molding with an organosilicon compound, aging the molding and coating the optical substrate. As discussed in the parent application, and as admitted in the parent by the PTO, Dombrowski does not disclose or suggest a support material or molding which is electrically conductive, much less the specifically electrically conductive or semi-conductive support materials in the present claims. Inasmuch as no reference of record remedies this deficiency, it is submitted that the present claims are clearly neither anticipated nor suggested by Dombrowski, and withdrawal of the rejection is appropriate and respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Harry B. Shubin, Reg. No. 32,004
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

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